



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Acting Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2204327

Applicant Name: Tom Schmoe for Margarita Medina

Address of Proposal: 333 18th Avenue East

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a new foundation under an existing single family residence. The project includes raising the house three (3) feet above existing height.

The following approvals are required:

Variance - to allow a portion of the principal structure to extend into the required front yard. (Seattle Municipal Code 23.44.014)

Variance - to allow expansion of a non-conforming structure in a SF 5000 zone. (Seattle Municipal Code 23.42.112)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Descriptions

The subject property is an approximately 6,292-square foot parcel fronting the west side of 18th Avenue E. between E. Harrison Street and E. Thomas Street on Capital Hill. The property has approximately 52.5 feet of frontage along 18th Avenue E. and a 16-foot wide paved alley along the rear property line. 18th Avenue E. at this location is a paved residential street developed with curbs, gutters and sidewalks on both sides of the street. The property is zoned Residential, Single family 5,000 (SF 5000) and is not located in a mapped Environmentally Critical Area (ECA).

Currently, the property is developed with a one-story, single family residence with a detached single-wide garage in the rear yard and has typical residential landscaping. The front yard, measured from the base of the structure to the eastern or front property line, is approximately ten (10) feet wide. The abutting property to the north is developed with a non-conforming 4-unit apartment building that has a front yard measuring 2.25 feet from the front property line. The abutting property to the south is also developed with a single family residence with a front yard measuring 14 feet.

The surrounding area is an older Seattle neighborhood that is predominately developed with larger single family residences that typically, are set closer to the street than current Land Use Code standards would allow and are two to three stories tall. Also, several legally non-conforming apartment structures with minimal front yards are located throughout the single family zoned neighborhood.

Proposal Description

The applicant would like to construct a new foundation under the existing single family structure and raise the house three (3) feet above the present 17-foot height. The existing structure is considered non-conforming to Land Use Code development standards because it doesn't have the required front yard setback. Since the abutting apartment building is not a single family residence, typical front yard averaging techniques used to determine a required front yard are not available to the applicant (averaging is available only between single family structures). The front yard in this instance is determined by averaging the abutting southerly properties front yard (14 feet) with the Code required 20 feet. Instead of eight feet, the required front yard would be 17 feet. A variance is necessary from the above mentioned Code provisions to allow an encroachment into the required front yard and since the structure would be raised three feet, a variance to allow the expansion of a non-conforming structure is also required.

Public Comment

The 14-day public comment period ended October 24, 2002; no written comments were received.

ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements set forth in the Seattle Municipal Land Use code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;*

An unusual condition applicable to the subject property, which was not created by the owner or applicant, is the construction and location of the abutting apartment building to the south. According to public records, the subject single family residence was constructed in 1908; the abutting apartment building, was constructed in 1922. Both the uses and the prevailing front yard pattern were legal at the time of construction. and prior to the 1957 date used to establish legal non-conformities.

A visual inspection of the immediate neighborhood, as well as a review of City GIS data, shows that other single family residences have similar reduced front yards. Also, most of the structures are two and three stories tall. In this instance, the strict application of the Land Use Code front yard setback would deprive the property of rights and privileges enjoyed by these other properties.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

The requested variances to allow the expansion of a non-conforming structure, and to allow a portion of the principal structure into the required front yard does not go beyond the minimum necessary to afford relief nor does it constitute a grant of special privilege. If the abutting apartment structure were a single family residence, the averaged required front yard measurement would be eight feet and since the subject property has a ten-foot wide front yard, the proposed remodel would not require variance approval. The vertical expansion would not increase the existing non-conforming front yard. The applicant proposes to raise the structure only three feet for a maximum height of approximately 20 feet, which in effect would create a two-story structure. The resulting resident would be well below the height of the abutting structures and other single family residences along the adjoining block face.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

No significant impacts to the neighborhood character are anticipated as a result of the proposal. This portion of 18th Avenue E. is characterized by similar properties having reduced front yards along both sides of the street. The proposed increased height would be less than the single family residence to the south and the apartment building to the north. Granting these variances

will not be materially detrimental to the public welfare or injurious to the property or improvements in zone or vicinity in which the subject property is located.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;*

Strict application of the Land Use Code would require setting back the entire structure seven feet and excavate a considerable portion of the rear yard resulting in undue hardship to the applicant. Since the front yard has less than the minimum required setback, any upper floor addition would still require a variance. Granting the requested variances would allow the applicant the ability to expand vertically along the existing exterior plane without increasing the size of the existing non-conformity.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The spirit and purpose of the Land Use Code is to set forth regulations and procedures for the use of land which are consistent with and implement Seattle's Comprehensive Plan. In the single family residential area portion of the Plan, policy #6, Bulk and Siting states that: *"The height and front yards of existing adjacent single family residences shall be used to determine bulk and siting patterns for future construction."* The proposal would result in a single family residence that has a front yard similar to that of neighboring buildings. The increased height would also be consistent with surrounding development. Thus, the bulk and siting of the proposed structure would reflect the existing development trends along this portion of 18th Avenue S. Therefore, granting the requested variances would be consistent with the adopted Land Use Code and reflect the spirit of the Land Use Policies.

DECISION - VARIANCE

The proposed variance to allow a portion of the principal structure into the required front yard and to allow the expansion of a non-conforming structure is **APPROVED**.

Signature: _____ (signature on file) Date: February 13, 2003
Carol I. Proud, Sr. Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

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